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6 Attorneys for Defendant
7 BUMBO (PTY) LTD.

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10
11 WENDY D. WHITSON, etc., et al., } Case No. C 07-5597 MHP
12 Plaintiff, }
13 vs. }
14 BUMBO, et al., }
15 Defendants. }
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**DECLARATION OF JOHAN
NICHOLAS BIUTENDACH IN
SUPPORT OF BUMBO (PTY)
LTD.'S REPLY TO OPPOSITION
TO AMENDED MOTION TO SET
ASIDE DEFAULT, QUASH
SERVICE, DISMISS FOR
INSUFFICIENT SERVICE OF
PROCESS AND LACK OF
PERSONAL JURISDICTION
AND FOR SANCTIONS**

Date: March 10, 2008
Time: 2:00 pm
Place: Courtroom of the Hon.
Marilyn Hall Patel

21 I, Johan Nicholas Buitendach, declare:
22 1. I am the Owner of Bumbo (Pty) Ltd. This declaration is submitted in
support of Bumbo (Pty) Ltd.'s reply to plaintiff's opposition to Bumbo (Pty) Ltd.'s
23 motion to set aside default, dismiss for insufficient service of process and lack of
personal jurisdiction. I have personal knowledge of the facts attested to in this
24 declaration, except for those facts stated upon information and belief, and, as to
25 those facts, I believe them to be true. If called upon to do so, I could and would
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DECLARATION OF JOHAN NICHOLAS BIUTENDACH IN
SUPPORT OF BUMBO (PTY) LTD.'S REPLY TO
OPPOSITION TO AMENDED MOTION TO DISMISS
CASE NO.: C 07-5597 MHP

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1 competently testify to all matters contained herein.

2 2. Bumbo (Pty) Ltd. is a manufacturing company located in South Africa
3 which manufactures the Bumbo Baby Sitter, an infant seat.

4 3. Bumbo (Pty) Ltd. is a private company which has been organized
5 under the laws of South Africa and has its principal place of business in Pretoria,
6 South Africa.

7 4. Bumbo (Pty) Ltd.'s one and only manufacturing plant and its
8 corporate headquarters are located in Pretoria, South Africa.

9 5. The Bumbo Baby Sitter is manufactured and assembled entirely in
10 South Africa by Bumbo (Pty) Ltd.

11 6. Bumbo (Pty) Ltd. manufactures the Bumbo Baby Sitter pursuant to a
12 manufacturing agreement with a separate legal entity, which trades as Bumbo
13 International. Bumbo International markets and distributes the Bumbo Baby Sitter
14 to various markets world-wide.

15 7. I am informed and believe that a company called Wartburg
16 Enterprises, Inc., located in Conroe, Texas, is an on-line distributor of the Bumbo
17 Baby Sitter in Texas.

18 8. I am informed and believe that, for a brief period of time, Wartburg
19 Enterprises, Inc. was given authority to communicate with the Consumer Product
20 Safety Commission (CPSC) on behalf of Bumbo (Pty) Ltd. concerning the recall
21 by the CPSC.

22 9. I am informed and believe that Wartburg Enterprises, Inc. set up a
23 website, <http://www.bumbosafety.com>, to respond to inquiries regarding the recall.
24 In addition, consumers were directed to download new warning labels regarding
25 the Baby Sitter from this website.

26 10. I am informed and believe that Wartburg Enterprises, Inc. incorrectly
27 stated on <http://www.bumbosafety.com> that the Baby Sitter was manufactured by
28

"Bumbo International."

11. I am informed and believe that Wartburg Enterprises, Inc. listed the name "Bumbo International" next to Wartburg's address in Conroe, Texas on the website. Bumbo International does not now and never has had an office or address in Conroe, Texas.

12. Bumbo (Pty) Ltd. and Wartburg Enterprises, Inc. are separate companies and do not share common shareholders, officers, directors, employees or offices.

13. Bumbo International and Wartburg Enterprises, Inc. are also separate companies and do not share common shareholders, officers, directors, employees or offices.

14. Wartburg Enterprises, Inc. is not authorized by Bumbo (Pty) Ltd. to accept service of process on behalf of Bumbo (Pty) Ltd. or Bumbo International.

15. Neither Bumbo (Pty) Ltd. nor Bumbo International maintain any offices or employees anywhere in Conroe, Texas.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 12 day of February, 2008 at RENO, NV

Johan Nicholas Buitendach